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8 *Attorneys for Defendants*  
9 *Nicholas & Company Foodservice Inc. and*  
10 *Nicholas & Company Foodservice LLC*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 MERSHAUN SCOTT, an individual,

14 Plaintiff,

15 vs.

16 NICHOLAS & COMPANY FOODSERVICE  
17 INC., a foreign corporation; NICHOLAS &  
18 COMPANY FOODSERVICE LLC, a  
19 domestic limited liability company; DOES I  
20 through X; and ROE Corporations XI through  
21 XX, inclusive,

22 Defendants.

23 Case No.

24 **NOTICE TO FEDERAL COURT OF  
25 REMOVAL OF CIVIL ACTION FROM  
26 STATE COURT**

27 Pursuant to 28 U.S.C. § 1332(d), Defendant hereby notifies the Court of the removal of  
28 *MERSHAUN SCOTT, an individual v. NICHOLAS & COMPANY FOODSERVICE INC., a  
foreign corporation; NICHOLAS & COMPANY FOODSERVICE LLC, a domestic limited  
liability company; DOES I through X; and ROE Corporations XI through XX, inclusive*, Case No.  
A-20-821030-C, which was filed in the Eighth Judicial District Court in Clark County, Nevada.

In support of said removal, Defendant states as follows:

1. On September 11, 2020, an action was commenced in the Eighth Judicial District  
Court of Clark County, Nevada, entitled *MERSHAUN SCOTT, an individual v. NICHOLAS &  
COMPANY FOODSERVICE INC., a foreign corporation; NICHOLAS & COMPANY*

1 *FOODSERVICE LLC, a domestic limited liability company; DOES I through X; and ROE*  
 2 *Corporations XI through XX, inclusive.* A copy of the Complaint is attached hereto as **Exhibit A**.

3       2. Defendants were served on September 16, 2020 with a copy of the Complaint and  
 4 Summons issued by the state court on or about September 15, 2020 for Nicholas & Company  
 5 Foodservice Inc. and Summons issued by the state court on or about September 16, 2020 for  
 6 Nicholas & Company Foodservice LLC. A copy of the Summons are attached hereto as  
 7 **Exhibit B**.

8       3. This action is properly removed to federal court under federal question jurisdiction  
 9 because Plaintiff's Complaint contains claims which arise under federal law, specifically, Title  
 10 VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. *See* 28 U.S.C. § 1441.

11       4. This Notice of Removal is being filed within thirty (30) days of receipt of any  
 12 pleadings setting forth the claim for relief upon which the action is based and is, therefore, timely  
 13 under 28 U.S.C. § 1331 and § 1446(b).

14       5. This action is a civil action of which this Court has original jurisdiction under 28  
 15 U.S.C. § 1331, and is one which may be removed to this court pursuant to the provisions of 28  
 16 U.S.C. § 1441(a), in that it is a civil action arising under the Constitution, laws, or treaties of the  
 17 United States. Specifically, Plaintiff alleges conduct in violation of Title VII of the Civil Rights  
 18 Act of 1964, 42 U.S.C. § 2000e. Any remaining state law claims are also properly removed  
 19 pursuant to the Court's supplemental jurisdiction. 28 U.S.C. § 1367(a).

20       6. A true and correct copy of this Notice of Removal is being filed this date with the  
 21 Clerk of the Eighth Judicial District Court of the State of Nevada.

22       7. Venue is proper in this Court as this is the court for the judicial district in which a  
 23 substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391.

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WHEREFORE, Defendant prays that the above-referenced action now pending in the Eighth Judicial District Court of the State of Nevada in and for the County of Clark be removed therefrom to this Court.

Dated this 7th day of October, 2020.

## JACKSON LEWIS P.C.

/s/ Deverie Christensen  
Deverie J. Christensen, Bar #6596  
300 S. Fourth Street, Suite 900  
Las Vegas, Nevada 89101

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 7th  
3 day of October, 2020, I caused to be served via the Court's CM/ECF Filing, a true and correct  
4 copy of the above foregoing **NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL**  
5 **ACTION FROM STATE COURT** properly addressed to the following:

6 Christian Gabroy  
7 Kaine Messer  
7 GABROY LAW OFFICES  
8 The District at Green Valley Ranch  
8 170 South Green Valley Parkway, Suite 280  
Henderson, Nevada 89012

Attorneys for Plaintiff

/s/ Kelley Chandler  
Employee of Jackson Lewis P.C.

13 | 4813-7704-7245, v. 1